GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

BCWD – Orders of the Hon'ble High Court in W P No.30329/2015 - Compassionate appointment of Sri.L.Venkateswara Rao, S/o.L.Sambrajyam, Cook, Guntur – Rejected – Orders – Issued.

BACKWARD CLASSES WELFARE [A] DEPARTMENT

G.O.Ms.No. 14 Date. 11 -05-2020

Read the following:

1.Proceedings of the Dy.Director, Guntur Rc.No.A4/162/2013, dt.11.7.2013,
2.Hon'ble APAT orders, dt.01.03.2016 in OA No.3012/2015,
3.Govt.memo.no.1262/A/A1/2015, dt.20.04.2017,
4.Hon'ble APAT common orders dt.20.2.2018 in OA No.3012/15 & 1262/15,
5.Hon'ble High Court orders dt.24.7.2019 in WP No.30329/2018,
6.From the Dy.Director, Guntur letter Rc.No.A4/162/2012, dt.29.11.2019 and 19.3.2020.

O R D E R :

Whereas, Smt.L.Sambrajyam, cook, joined in Government service on 01-12-1984 in B.C. Welfare Hostel, Guntur and passed away on 26.5.2012 due to ill health. All pensionary benefits including family pension were paid to her husband Sri.Balramaiah, who is a retired employee and already getting pension. Her son Sri.L.Venkateswara Rao has filed a representation, dt.12-09-2012 for his appointment on compassionate grounds. He passed 9th standard and his date of birth is 15-02-1973. He belongs to BC-A community [Rajaka]. The admissible age limit for B.C.-A community is [39] years.

2. Subsequently, the request of Sri.L.Venkateswara Rao was rejected by the Deputy Director, B.C.W. vide reference 1st read above. Aggrieved by the rejection, Sri.L.Venkateswara Rao filed O.A.No. 3012/2015 and the Hon'ble APAT passed interim orders, dt.01-03-2016 referred 2nd read above directing that

> "Pending further orders, the respondents are directed to consider the case of the applicant for compassionate appointment on the death of his mother without reference to the fact that his father is a pensioner, and appropriate orders shall be passed within a period of [8] weeks from the date of receipt of a copy of this order".

3. Consequently, the Government has rejected the request of Sri.L.Venkateswara Rao vide reference 3rd read above. Aggrieved by the rejection, the applicant has filed one more suit bearing OA No.1125/2017. Subsequently the Hon'ble APAT clubbed both the O.As and delivered a common order dt.20.02.2018 vide ref.4th read above as follows:

xx xx xx

" Hence the circular Memo.No.3548/Ser.G/A2/2010-8, dt.24.03.2012 issued by the 3rd respondent and the order in Rc.No.A4/162/2013, dt.11.07.2013 issued by the 1st respondent rejecting the case of the applicant, in OA No.3012/2015 are setaside. Further the orders issued by the Deputy Director, BC Welfare in Rc.No.A4/162/2012, dated 19.04.2017 and Memo.No.1262/A/A1/205, dated 20.04.2017 issued by the 1st respondent in OA No.1125/2017 are also set aside.

The respondents are directed to consider the case of the applicant for appointment under compassionate grounds in any suitable post as per the qualifications and other criteria without taking into congnizance the fact that the father of the applicant is a pensioner and receiving family pension, and pass appropriate orders within a period of 10 weeks from the date of receipt of copy of this order".

4. Against the above A.P.A.T. orders, Government have filed WP.No.30329/2018 and the Hon'ble High Court vide ref. 5th read above has directed as follows:

xx xx xx

"In fact, the composite High Court in WP No.27465 of 2017, by way of an order dt.30.08.2017 had set aside the circular Memo. dt.24.3.2012 to the extent of extending such meaning.

It is also significant to note that, as against the said order of the learned single judge, the matter was carried in appeal in WA No.700 of 2018, and a Division Bench of the composite High Court vide order, dated.29.11.2018, confirmed the same while disposing of the said writ appeal. This issue also fell for consideration in WP No.16243 of 2013 and a Division Bench of this Court, vide order, dated 20.06.2013, while dismissing the Writ Petition, filed against the order of the Tribunal, declined to accept the contention of the authorities by placing reliance on the circular, dated 24.3.2012.

Having regard to the above referred judgments and the law laid down in the said judgments, this writ petition is liable to be dismissed and accordingly the writ petition is dismissed.

5. In compliance to the above referred orders of the Hon'ble A.P.A.T. and Hon'ble High Court, the case of Sri.L.Venkageswara Rao has been examined again in detail without reference to the fact that his father is getting pension. In this connection it came to light that the individual has filed his application for compassionate appointment on 12-09-2012 and his date of birth is 15-02-1973. As on date of application he has crossed the prescribed age limit 39 years when examined in terms of rules governing compassionate appointments and General rules. Hence his appointment is not feasible of acceptance under compassionate grounds irrespective of the fact that his father is a pensioner. Thus a need has arisen to reconsider his plea in the light of the orders of the Hon'ble APAT and the Hon'ble High Court.

6. In the circumstances mentioned at foregoing paras, the request of Sri.L.Venkateswara Rao for his appointment on compassionate grounds is rejected as it not feasible of acceptance as per the existing rules.

7. The Director of B.C.W., Vijayawada and Dy.Director of BCW, Guntur, shall take further action accordingly.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

R.KARIKAL VALAVEN,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri.L.Venkateswara Rao, through Dy.Director, BCW, Guntur.
Copy to the Director, BCW, Vijayawada,
Copy to the Dy.Director, BCW, Guntur – She is requested to file suitable affidavit in the contempt case in consultation with the GP in the concerned before the Hon'ble High Court .
The G.P.[Ser.], High Court, Velagapudi, Guntur.
Sc/sf.

//FORWARDED BY ORDER//

SECTION OFFICER